IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5273 OF 2007

Madhukar Shripad Hawal..... ....Petitioner.
V/s
Arun Shripad Hawal & Ors.....` ... .Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar' orders.	Court's or Judge's Orders

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Mr.Prafulla B. Shah, Adv. for the petitioner.

CORAM: A.P. DESHPANDE, J.
19.7.2007

PC:

The plaintiff instituted a suit for recovery of a sum of Rs.1,76,500/- against the petitioner-defendant. Issues came to be framed and thereafter the plaintiff has filed an affidavit in examination in chief and the matter has been adjourned for cross examination. One of the issue framed is about the maintainability of the pr4esent suit which reads thus:

"Whether this Court has

jurisdiction to entertain and decide the suit claim."

At the stage when the suit was fixed for cross examination the petitioner-defendant moved an application to try the issue No.6 as preliminary issue. The rejection of the said application has given rise to the present writ petition. As the trial has already commenced it would be in fitness of things to have the issue No.6 also decided along with other issues. It does appear that the application for framing preliminary issue has been filed with a view to protract the litigation. Writ petition thus stands summarily dismissed.

19.7.07.